

House Bill 1164 (AS PASSED HOUSE AND SENATE)

By: Representatives Ehrhart of the 36<sup>th</sup>, Harbin of the 118<sup>th</sup>, and Forster of the 3<sup>rd</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia  
2 Annotated, the "Budget Act," so as to provide for the collection and compilation of certain  
3 information with respect to the impact of judicial settlements and decrees on the state  
4 budgetary and appropriations process; to provide for findings and intent; to require certain  
5 information to be included in the budget estimates of budget units; to provide for the  
6 compilation of such information in the budget report; to provide for the inclusion of certain  
7 information in legislative budget tracking documents; to provide that the payment or  
8 expenditure of state funds for purposes of compliance with a judicial decree or settlement  
9 shall be subject to appropriation and allotment of funds or an object class transfer; to define  
10 a term; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, the  
14 "Budget Act," is amended by adding at its end a new Code section to read as follows:

15 "45-12-96.

16 (a) The General Assembly finds that the appropriation of state funds is reserved to the  
17 legislative branch of government under the constitutional separation of powers and that  
18 this legislative function may tend to be eroded or invaded by judicial decrees or settlements  
19 which bind or seek to bind the state to actions which are possible only through the  
20 appropriation of state funds. Without seeking to affect the separation of powers between  
21 the branches of government, it is the purpose of this Code section to provide information  
22 to the legislative branch with respect to the impact of judicial decrees and settlements on  
23 the budgetary and appropriations process.

24 (b) For informational purposes, the budget estimate submitted by each budget unit under  
25 Code Section 45-12-78 shall identify any and all funds included in that budget estimate

1 which are required to comply with any judicial decree or settlement or the anticipated  
2 expenditure of which is otherwise in whole or in part attributable to a judicial decree or  
3 settlement. The information required under this Code section shall separately identify  
4 anticipated expenditures by category in such manner as may be specified by the Office of  
5 Planning and Budget; provided, however, that such categories shall separately identify at  
6 a minimum the following two categories: (1) anticipated expenditures for attorney fees and  
7 costs; and (2) anticipated expenditures for the payment of special masters, monitors,  
8 auditors, accountability agents, or other compliance monitoring costs.

9 (c) The budget report prepared through the Office of Planning and Budget under Code  
10 Sections 45-12-74 and 45-12-75 shall include a compilation of the information received  
11 under subsection (b) of this Code section and any other information identifiable by the  
12 Office of Planning and Budget as relevant to the purposes of this Code section.

13 (d) Any budget tracking documents prepared by budgetary personnel of the General  
14 Assembly shall contain information relevant to the purposes of this Code section in such  
15 form as shall be specified by the chairpersons of the Senate and House Appropriations  
16 Committees.

17 (e) The payment or expenditure of any state funds for purposes of compliance with any  
18 judicial decree or settlement shall be subject to the appropriation of funds for such purpose  
19 and the allotment of such appropriation under Code Section 45-12-83. Any such payment  
20 or expenditure shall be carried out only after such appropriation and allotment or the  
21 approval of an appropriate object class transfer under Code Section 28-5-25.

22 (f) For purposes of this Code section, the term 'judicial decree or settlement' and other  
23 similar terminology shall include any decree or order of any state or federal court and any  
24 settlement entered into by the State of Georgia or any state official of any pending or  
25 threatened state or federal court action against the state or any of its officers or agencies."

## 26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.